

## REMARKS

The Applicant acknowledges, with thanks, receipt of the Office Action mailed April 18, 2003.

Claims 1-18 are pending. The action by the Examiner of this application, together with the cited references, have been given careful consideration. It is respectfully requested that the Examiner reconsider the claims in their present form, together with the following comments, and allow the application.

### Objections to the Claims:

The Examiner objected to informalities in claims 3-7 and 12-16, specifically the phrase "configuration of to the symbols" should read, "configuration of the symbols". These claims have been corrected.

### Rejections under 35 U.S.C. §112, second paragraph:

The Examiner rejected claims 1-20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to claim the subject matter which applicant regards as the invention. Specifically, claims 1 and 10 lack antecedent basis for the limitation "the randomly selected symbols", and for the limitation "the groups". Claims 5 and 14 lack antecedent basis for the limitation "wager". These claims have been corrected.

### Rejections under 35 U.S.C. 102(e):

The Examiner has rejected claims 1-18 under 35 U.S.C. 102(e), as being anticipated by Jaffe et al. (U.S. Patent No. 6,517,432). Applicant respectfully traverses the rejection.

## **Subject Application**

By way of review the present application is directed to a gaming machine which constructs the array of symbols by the sequential placement of separate groups of symbols

within the array. The symbols are additional to and superimposed on the array of randomly selected symbols.

**U.S. Patent No. 6,517,432 to Jaffe et al. (the Jaffe Patent)**

In contrast, U.S. Patent No. 6,517,432 to Jaffe (the Jaffe Patent) is directed to a conventional spinning reel game machine. The gaming machine discloses a system for inserting wildcard symbols into the array in a manner that provides a level of visual interest to the player. Specifically, the gaming machine employs a particular method of randomly awarding a player wildcard symbols. It uses an animated streaker symbol to run through the array in an apparently random fashion to determine the symbols that will become wild. The wildcard feature is well-known in gaming machines to substitute for all other symbols in the array rather than just certain specific symbols.

**Claims 1-18 are in Condition for Allowance**

**Under 35 U.S.C. §102(e) by Jaffe**

Claims 1-18 were rejected under 35 U.S.C. §102(e) by Jaffe. Applicant respectfully traverses.

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The present invention discloses a spinning reel game machine which constructs the array of symbols by the sequential placement of separate groups of symbols within the array. This is more visually interesting for the player and the game designer can build anticipation by drawing out the time taken to construct the array. In contrast, the Jaffe patent constructs the array in an entirely conventional spinning reel manner, wherein the array is formed of randomly selected symbols using simulations of spinning reels.

The present invention's special symbols are quite clearly additional to and superimposed on the array of randomly selected symbols. From the figures, it can be seen that as the special symbols move from one array position to another, the "base game" symbols do not alter and in fact the special symbols appear not to completely obscure the base game symbols when they are superimposed. Whereas, the Jaffe patent discloses a system for simply

inserting wildcard symbols into the array in a manner that provides a level of visual interest to the player.

Therefore, the present invention is not anticipated by the Jaffe Patent because Jaffe does not teach the use of constructing the array of symbols by the sequential placement of separate groups of symbols within the array. Such a construction is neither disclosed nor taught by Jaffe. Thus, for the reasons set forth, claims 1-18 are not anticipated by the Jaffe Patent, and are in condition for allowance.

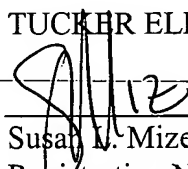
In view of the foregoing, it is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner believes there are any further matters which need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. (76867/20092).

Respectfully submitted,

TUCKER ELLIS & WEST LLP

Date: 7/18/03

  
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I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 7/18/03

  
Name: \_\_\_\_\_